

Docket No. F-6806

Ser. No. 09/755,305

REMARKS

Claims 1-11 remain in this application. Claims 1-11 are rejected. Claims 1, 3 and 9-11 are amended herein to clarify the invention, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 1-11 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action, including lacking antecedent bases. The claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 1-11 and their allowance are earnestly requested.

Claims 1, 2, 4, 5, 6/1, 6/2, 6/4, 6/5, 8/6/1, 8/6/2, 8/6/4, 8/6/5, 10 and 11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Suzuki et al. (US 6,227,968). Applicant herein respectfully traverses these rejections.

For a rejection to be sustained under §102(e) each and every element of the claimed invention must be disclosed in the cited prior art reference. It is respectfully submitted that the cited reference fails to disclose at least the following features and elements of the present invention as noted herein.

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Claim 1 recites in pertinent part, a game control device for implementing the steps of:

determining a value to be obtained by a lottery based on the instruction of the player via the input device;

moving a character set as an object to be operated by the player along the route according to the value determined by the lottery;

controlling a peculiar value relating to event production corresponding to the attributes of the squares based on a stop position of the character;

controlling appearance of at least one event production square on the route based on the peculiar value; and

producing an event relating to each of said at least one event production square under the condition that a particular one of said at least one event production square and the stop position of the character establish a predetermined relationship

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According to the above features recited in claim 1, firstly the player determines a value by a lottery, which is, for example, a roulette in the embodiment of Fig. 4, by which to move a character along a route. After that, in accordance with this value, the character moves on the route. Based on the stop position of the character, a peculiar value is controlled. Based on the peculiar value, the event production square appears. The event, which is the start of the adventure game, for example, in the embodiment of Figs. 5A-7, is produced under the condition that the event production square and the stop position of the character establish a predetermined relationship.

In contrast, Suzuki et al. discloses a dance game in which a player steps on a step-on base section in accordance with the instruction contents displayed on a monitor. The instruction contents are the stepping positions where the player should step and the stepping operation timings when the player should step. According to the evaluation based on the detected actual steps of the player, the next instruction contents are set (See, for example, the Abstract).

In Suzuki et al., the player can move about the input device (the step-on base section) and based upon the correct operational skill of the player, operate a switch representing a value. However, Suzuki fails to disclose that a character displayed on a monitor is moved according to the value detected (represented) by the switch. The value detected is only used for measuring the time deviation of player's actual stepping time (see col. 10, lines 35-44). With respect to the character displayed in a

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monitor, Suzuki merely discloses that the character is displayed on a monitor as a background when "one set data" is scrolled and displayed as the stepping position indication (see col. 9 line 60-65, c:ol. 10 line 6-10, line 24-29). Suzuki et al. fails to teach or suggest a relationship between advancement of the character and the detected value, that is, the actual movement of the player along the route. Therefore, the step of moving a character recited in the present invention of claim 1 is absent from the disclosure of Suzuki et al..

Additionally, according to Suzuki et al., the value detected by the switch is derived only from the actual action of player on the step-on base section. As such, Suzuki et al. fails to teach or suggest that the value is obtained by a lottery, as claimed in claim 1. Therefore, it is respectfully submitted that the step of determining a value as claimed is also lacking in the disclosure of Suzuki et al..

Furthermore, according to Suzuki et al., the evaluation value, which the Examiner apparently seeks to equate with the peculiar value of the present invention, is obtained based on the time deviation (see Abstract, and col. 10, line 35 - col. 11, line 6). The time deviation is derived from the actual player's action. Therefore, it is respectfully submitted that Suzuki et al. fails to disclose and teach the step of controlling a peculiar value in the manner as claimed in claim 1.

Also, as mentioned above, since Suzuki et al. fails to disclose the relationship between the movement of the character along the route and production of the event,

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it is apparent that the step of producing an event in the present invention of claim 1 is similarly not taught by Suzuki et al.

Claim 1 particularly describes and distinctly claims at least one element not disclosed in the cited reference. Independent claim 11 also contains the above discussed features of claim 1 lacking in Suzuki et al.. The remaining rejected claims depend from claim 1, and therefore also contain the features lacking in the cited Suzuki et al. reference. Therefore, reconsideration of the rejection of claims 1, 2, 4, 5, 6/1, 6/2, 6/4, 6/5, 8/6/1, 8/6/2, 8/6/4, 8/6/5, 10 and 11 and their allowance are respectfully requested.

Claims 7/6/1, 7/6/2, 7/6/4 and 7/6/5 are rejected as obvious over Suzuki et al. in view of Stamper et al. (US 5,267,734) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the secondary Stamper et al. reference does not provide the teaching noted above with respect to the anticipation rejection of claim 1, from which claim 7 depends, that is absent from the primary Suzuki et al. reference. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 7/6/1, 7/6/2, 7/6/4 and 7/6/5 and their allowance are respectfully requested.

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Claims 3, 6/3, 7/6/3, 8/6/3 and 9 are objected to as being dependent from rejected base claims. The Examiner indicates that the claims contain allowable subject matter and would be allowed if put in independent form incorporating the limitations of the base and intervening claims. Claims 3 and 9 are amended in accordance with the Examiner's suggestion. Reconsideration of the objection and allowance of claims 3 and 9 are respectfully requested.

One (1) further independent claim in excess of three is added. Accordingly, please charge the fee of \$84 to Deposit Account No. 10-1250.

Applicant respectfully requests a one (1) month extension of time for responding to the Office Action. Please charge the fee of \$110 for the extension of time to Deposit Account No. 10-1250.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By Frank J. Jordan by:
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicant

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

Jimmy & Thel
Reg No. 36,049

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